

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TERON JONES,

Petitioner,

-against-

WEST, Acting Superintendent,

Respondent.
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DEARIE, District Judge.

ORDER

03-CV-362

In a Report and Recommendation dated November 9, 2005, Magistrate Judge Lois Bloom recommends that this Court deny pro se petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. No objections have been filed. The Court notes that the docket sheet indicates that the copy of the Report and Recommendation mailed to petitioner at Elmira Correctional Facility was returned on November 23, 2005 with a notation that petitioner had been paroled. Petitioner has not informed the Court of his new address.

The Court has considered the petition de novo and adopts the Report and Recommendation without qualification. Accordingly, for the reasons explained therein, petitioner's application for a writ of habeas corpus is denied, and the petition is dismissed. Because petitioner has not "made a substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253, a certificate of appealability shall not issue. In addition, this Court certifies pursuant to 28 U.S.C. § 1915(a) that any appeal would not be taken in good faith. Coppedge v. United States, 369 U.S. 438 (1962). The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York
December 15, 2005

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge